

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 37172
Docket No. SG-37545
04-3-02-3-632

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Amtrak (NRPC):

Claim on behalf of E. S. West, Jr., for eight hours at his time and one-half rate of pay, account Carrier violated the current Signalmen's Agreement, particularly Rules 12, 20 and 28, when it changed the Claimant's assignment and only allowed him one rest day, not allowing him two consecutive days off. Carrier's File No. NEC-BRS (S)-SD-941. General Chairman's File No. JY321084-650111. BRS File Case No. 12274-NRPC(S)."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The record reflects that the Claimant's position, as advertised in Bulletin 051-SD3-0499, was a vacation relief position. The Carrier's right to establish such positions was recognized in Public Law Board No. 6369, Award 1. Accordingly, the Carrier acted generally in accordance with the Agreement.

However, the record further reflects that the Claimant worked 7:00 A.M. to 3:30 P.M. Monday through Friday, August 13 - 17, 2001, was off Saturday, August 18, 2001, as a rest day, and then was assigned to work vacation relief on Sunday, August 19, 2001. Consequently, the Claimant did not receive two consecutive rest days as required by Rule 20. Therefore, the Claimant shall be paid at the overtime rate, rather than at the straight time rate at which he was paid, for Sunday, August 19, 2001.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 28th day of September 2004.